

MEMORANDUM

TO: Committee on Students and Campus Community (CSCC)

FROM: Steering Committee

RE: Creation of a Title IX Policy

DATE: February 3, 2016

Background:

On December 16, 2015, Steering received from Dr. Amy Hecht, Vice President for Student Affairs, and Dr. Gregory Pogue, Vice President for Human Resources, a request for Governance to consider the development of a comprehensive Title IX policy.

Procedural standards for Title IX investigations are currently housed in three locations: The College of New Jersey's *Undergraduate Student Conduct Code*, passed by the Board of Trustees on July 12, 2011, and updated July 8, 2014; the *Graduate Student Conduct Code*, passed by the Board of Trustees on July 9, 2013; and the *Policy Prohibiting Discrimination in the Workplace/Educational Environment*, passed by the Board of Trustees on December 16, 1999 and revised July 8, 2008.

Dr. Hecht and Dr. Pogue note that “with the emergence of federal and state legislation, administrative and executive guidance, and industry best practices in the area of Title IX, a comprehensive policy that includes behavioral expectations, investigation and procedural standards, training and reporting responsibilities, and climate assessment for faculty, staff, and students is necessary.”

Charge:

The Steering Committee charges CSCC to review recommendations for a comprehensive Title IX policy incorporating both student and employee training, investigation, procedural standards, and climate assessment from the Title IX Coordinator, Dean of Students, Office of Institutional Diversity, Human Resources, and the Office of the General Counsel. If CSCC deems that such a policy is necessary, it should proceed to develop one. In its review of related policies, CSCC should work to ensure that this policy is the single repository for Title IX information.

In conducting this review, the CSCC should seek input from Angela Lauer Chong, AVP of Student Affairs and Dean of Students; Jordan Draper, Title IX Coordinator; Gary Miller, Director of Compliance, and Kerri Thompson Tillet, Associate Vice President and Chief Diversity Officer, as well as other individuals and offices deemed appropriate by CSCC.

Any proposed policy should reflect any changes or updates in applicable College policies, case law, legislative or administrative guidance, and best practices. CSCC should present such a proposal in the form of a preliminary recommendation and seek testimony from the campus

community including faculty, staff, and students. Testimony should be sought in the form of public fora as well as digital forms of information gathering such as a Qualtrics survey.

Timeline:

CSCC should begin work immediately on the charge, with the goal of completing a preliminary recommendation by the end of March 2016. It should aim to submit a Final Recommendation to Steering by end of the semester.

TCNJ Governance Processes

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Step #1 -- Identifying and reporting the problem: When a Standing Committee receives a charge from the Steering Committee, the first responsibility is to clearly articulate and report the problem to the campus community. The problem may have been set out clearly in the charge received from the Steering Committee, or it may be necessary for the Standing Committee to frame a problem statement. The problem statement should indicate the difficulties or uncertainties that need to be addressed through new or revised policy, procedure, or program. The problem statement should be broadly stated and should include a context such as existing policy or practice. Problem statements may include solution parameters but should not suggest any specific solutions. Clearly stated problems will lead to better recommendations.

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Step #2 -- Preparing a preliminary recommendation: Once the campus community has received the problem statement, committees can begin to collect data needed to make a preliminary recommendation. Committees should receive input from affected individuals and all relevant stakeholder groups prior to making a preliminary recommendation. For issues that have broad implications or that affect a large number of individuals, initial testimony should be solicited from the campus community at large. For some issues, sufficient initial testimony may come from input through committee membership or solicitation from targeted constituent groups. When, in the best judgment of the committee, adequate clarity of the principles contributing to the problem are known, a preliminary recommendation should be drafted and disseminated to the campus community through regular updates and the Governance website. At this point, committees typically receive input or testimony through committee membership, formal testimony, and open comment from affected individuals and all stakeholder groups. Committees must be proactive in inviting stakeholder groups (including Student Government, Staff Senate and Faculty Senate) to provide formal testimony. In cases where testimony results in significant

and substantive changes to the preliminary recommendation, the new recommendation will be considered to be in step #2.

Step #3 -- Making a final recommendation: Committees must use sound judgment to give the campus adequate time to review the preliminary recommendation before making their final recommendation. Again, committees are expected to be proactive in receiving feedback on the preliminary recommendation. If a full calendar year has passed since the formal announcement of the preliminary recommendation, the committee must resubmit a preliminary recommendation to the campus community. When, in the best judgment of the committee, the campus community has responded to the proposed resolution of the issue, the committee shall send its final recommendation (with documentation) to the Steering Committee. That final recommendation should include a suggested implementation date. Accompanying the final recommendation shall be a report of how testimony was gathered, the nature of that testimony, and how the Committee responded to that testimony, including a description of how the preliminary recommendation evolved as a result of testimony.

Testimony

The presenting of testimony, prior to both the preliminary and final recommendations, is central to the concept of shared governance. All stakeholder groups will have an opportunity to provide input into governance issues through direct membership as well as invited testimony. Individuals appointed or elected to the governance system are expected to take a broad institutional perspective relative to issues being considered. In contrast, invited testimony will reflect the stakeholder perspective on the issue being considered. Committees are expected to be proactive in inviting stakeholder groups to provide testimony at both steps # 2 and #3 of the process. Committees need to identify stakeholder groups that are interested in each particular issue and invite their testimony at scheduled Committee meetings or hearings. Committees should report in their transmittal memos which groups were targeted as stakeholders, how testimony was invited, the form of the testimony (written, oral, etc.), and the substantive content of the testimony.

To see the Steering Committee's guidelines for gathering testimony and making a final recommendation, see the "Governance Toolbox" at <http://academicaffairs.pages.tcnj.edu/college-governance/a-governance-toolbox/>